

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL WHITE, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

MEMBERS 1st FEDERAL CREDIT
UNION,

Defendant.

Civil Action No. 1:19-cv-00556-JEJ
(Hon. John E. Jones, III)

JURY TRIAL DEMANDED

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendant, Members 1st Federal Credit Union (“Members”), by and through its undersigned counsel, Fox Rothschild LLP, hereby submits its Motion to Dismiss (the “Motion”) the Complaint filed by Plaintiff, Michael White (“Plaintiff”). For the reasons set forth in the attached Brief, which Members incorporates fully as if set forth herein, Members respectfully requests that the Court grant the Motion and provide the following relief: (a) dismiss Plaintiff’s claim pursuant to Regulation E of the Electronic Fund Transfers Act as time-barred; (b) dismiss Plaintiff’s Complaint, in its entirety, for any potential class members who did not opt out of Members’ mandatory arbitration provision; (c) dismiss Plaintiff’s Complaint, in its entirety, for any potential class members subject to Members’ class action waiver;

and (d) decline to exercise subject matter jurisdiction pursuant to the home state exception of the Class Action Fairness Act.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: June 3, 2019

By: /s/ Kelsey M. O'Neil
Craig A. Styer, Esquire, I.D. No. 60253
Kelsey M. O'Neil, Esquire, I.D. No. 324433
Eagleview Corporate Center
747 Constitution Drive, Suite 100
Exton, PA 19341

James J. Kutz, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101

*Attorneys for Defendant, Members 1st Federal
Credit Union*